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PATENT TRADEMARK OFFICE

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PATENT
Attorney Docket No. 05725.0903
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christine DUPUIS *et al.*

Application No.: 09/857,495

Filed: June 28, 2001

For: COSMETIC COMPOSITION
COMPRISING AT LEAST A CATION,
LIQUID FATTY ALCOHOL AND AT
LEAST A CERAMIDE TYPE
COMPOUND AND METHOD USING
SAME

Group Art Unit: 1615

Examiner: G. Yu

Hand Carry to Group Art Unit

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Applicants have provided the undersigned with a French language translation of Japanese patent application JP 07327700 that includes an abstract.

Copies of the listed documents are attached. In accordance with 37 C.F.R.

1.98(3), Applicants have translated this abstract and provide its substance below:

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The Japanese document describes a capillary treating agent wherein the particularity is that it has, as indispensable components, at least one of the three following substances: a ceramide, a glyco-ceramide or a galacto-ceramide; and also cholesterol, fatty acids and cationic surfactants, or the assembly of the components above with waxes (esters) and cholesteryl esters. A copy of this French translation is filed herewith for the Examiner's consideration. Further, the Applicants have informed the undersigned that this Japanese patent application does not disclose a composition comprising a liquid fatty alcohol.

With respect to WO 00/44345, Applicants note that this PCT application corresponds to co-pending U.S. Application 09/890,070 filed July 26, 2001. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 7, 2001

By: 

Charles D. Niebylski
Reg. No. 46,116

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